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Lexington, Kentucky 40550

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TO: Examiner Kristal J. Feggins
Fax: (703) 872-9306

FROM: Paula D. Kiser
Legal Assistant
Intellectual Property Law Dept.
Company: Lexmark International, Inc.
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RE: Resubmission of Papers

U.S. Appln No.: 10/679,070
Filing Date: October 2, 2003
Inventor: Smoot et al.
Attorney Docket No.: 2002-0124.02
Art Unit: 2861
Title: Method for Applying An Encapsulant Material To An Ink Jet Printhead

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I hereby certify that this correspondence is being
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Paula D. Kiser
Paula Kiser

Practitioner's Docket No. 2002-0124.02

PATENT

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Mary C. Smoot et al. : Paper No. _____

Application No.: 10/679,070 : Group No.: 2861

Filed: October 2, 2003 : Examiner: Kristal J. Feggins

For: **METHOD FOR APPLYING AN ENCAPSULANT MATERIAL TO AN
INK JET PRINthead**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

MISCELLANEOUS LETTER - RESUBMISSION OF PAPERS

Dear Examiner Feggins:

Pursuant to your telephone inquiry of December 20, 2004, please find attached copies of the papers filed with the Patent Office in the aforementioned matter on June 29, 2004 (using a Certificate of Mailing). Also included is a copy of the postcard upon which the Patent Office indicated receipt of the same. If anything further is needed by the Examiner or by the Office, please contact the undersigned attorney.

Respectfully submitted,



Scott N. Barker
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2004-12-21

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Papers Transmittal Sheet, Fee Transmittal Sheet, Response, including
a copy of the IDS filed on October 3, 2003 for initiating and
return, Supplemental Information Disclosure Statement (2 pgs)
and accompanying Information Disclosure Citation (1 pg), Check
Inventor(s) for \$180.00. Return Postcard. Mary C. Smoot et al.

Title METHOD FOR APPLYING AN ENCAPSULANT MATERIAL TO AN INK JET PRINTHEAD

Serial No. 10/679,070

Docket No. 2002-0124,02 (049266-163)

Date Due June 29, 2004

Client Name Lexmark International, Inc. TDL/JFK/mb



JUL 06 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in the envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on

John F. Fogg 6-29-04
 (Date of Deposit) 44815
 Attorney Reg. No.

Application of

Applicant : Mary C. Smoot et al.
 Serial No. : 10/679,070
 Filed : October 2, 2003
 Title : METHOD FOR APPLYING AN ENCAPSULANT MATERIAL TO AN
 INK JET PRINthead
 Docket : 2002-0124.02
 Examiner : Kristal J. Foggins
 Art Unit : 2861

Commissioner of Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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Sir:

RESPONSE

This paper is filed in response to the Office action dated March 29, 2004 and is accompanied by a Supplemental Information Disclosure Statement. Reconsideration of the application is respectfully requested.

Claim 13 has been objected to as being of improper dependent form and rejected under 35 U.S.C. §112, second paragraph as being indefinite based on the Office's contention that the claim fails to further limit the subject matter of the independent claim upon which it depends. Applicants respectfully submit that claim 13 is a proper dependent claim and is not indefinite. Claim 13 is a product-by-process claim, which defines a claimed product in terms of the process by which it is made. MPEP §2173.05(p) specifically indicates that product-by-process claims are acceptable and comply with 35 U.S.C. §112, second paragraph. Accordingly, applicants respectfully request that the objection and rejection of claim 13 be withdrawn. Claims 1-5, 7 -